

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL RIVERA,**  
Petitioner,

v.

**JEROME WALSH, et al.,**  
Respondents.

: **CIVIL ACTION**

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**No. 13-1370**

**FILED**

**AUG 01 2014**

**ORDER**

**MICHAEL RIVERA, Clerk**  
**By \_\_\_\_\_ Esq. Clerk**

**AND NOW**, this 31<sup>st</sup> day of July, 2014, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, Respondents' Answer, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated April 24, 2014, and Petitioner's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**<sup>1</sup>;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and **DISMISSED** as untimely; and
4. There is no probable cause to issue a certificate of appealability.

**BY THE COURT:**

**ENTERED**

**AUG 01 2014**

**CLERK OF COURT**

  
**MITCHELL S. GOLDBERG, J.**

<sup>1</sup> Petitioner pleaded guilty to murder in the Berks County Court of Common Pleas on December 14, 2001, in accordance with a negotiated plea agreement. The Report and Recommendation cogently explained that his habeas petition, deemed filed on February 18, 2013, was filed approximately nine-years after the expiration of the one-year statute of limitations. 28 U.S.C. § 2244(d)(1). Petitioner's objections do not address this glaring procedural defect, and accordingly do not provide a basis for rejecting the Report and Recommendation.